

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF 2644/P
270
J.D.
6-13-03

Applicant(s): Jing-Lu Gu
Title: MULTIPLE FUNCTION, BI-DIRECTIONAL INPUT/OUTPUT
INTERFACE FOR SOUND PROCESSING SYSTEM
Serial No.: 08/936,559 Filing Date: September 24, 1997
Examiner: L. Grier Group Art Unit: 2644
Docket No.: SNDK.188US0 (formerly M-10289 US)

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COMMISSIONER FOR PATENTS
P.O. Box 1450
Washington, D. C. 20231

Technology Center 2600

REQUEST FOR RECONSIDERATION OF FINALITY

Dear Sir:

In the above referenced application, the Official Action mailed on May 23, 2003, was a final Office Action. This finality is respectfully submitted to be in error and it is requested that it be withdrawn.

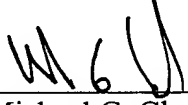
According to section 706.07(a) of the M.P.E.P., beginning on the first line of the second paragraph, "second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims* nor based on information submitted in an information disclosure statement ..." [emphasis added]. As noted in the Response to Arguments portion at the bottom of page 10, as well in the detailed rejections of the pending claims, new grounds of rejection have been given for all of the pending claims. In its Conclusion, the Office Action states "Applicant's amendment necessitated the new ground(s) or rejection ..." (form Paragraph 7.40). It is respectfully submitted that the Applicant did not amend all of the

claims thereby necessitating a new grounds of rejection and that the finality of the Office Action is premature.

More specifically, claim 22 and claim 17 are both original claims, having originally been dependent claims and having only been re-presented in independent form. Consequently, they are subject to a "new ground of rejection that is [not] necessitated by applicant's amendment of the claims" and the declaration of finality is contrary to section 706.07(a) of the M.P.E.P.. (Additionally, the cited new grounds are not the result of an information disclosure statement as described in the M.P.E.P..) Additionally, it should be noted that claim 22 had been indicated allowable in the preceding Office Action of October 24, 2001, and was only rewritten into independent form in response to the objections in that Office Action, and is otherwise in its original form.

Therefore, the Office Action has rejected original claims on new grounds and, improperly, made the rejections final. Consequently, it is respectfully submitted that the finality of the Office Action is premature and should be withdrawn.

Respectfully submitted,



Michael G. Cleveland
Reg. No. 46,030

June 3, 2003
Date

Parsons Hsue & de Runtz
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160
(415) 693-0194 (fax)